FILED

AUG 12 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8715

UNITED STATES OF AMERICA, Plaintiff, v. Gabriel MARTINEZ (1), Remigio LOERA-Santos (2), Defendants.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On August 11, 2008, within the Southern District of California, defendants Gabriel MARTINEZ and Remigio LOERA-Santos did knowingly and intentionally import approximately 55.26 kilograms (121.57 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Cole Dotson, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12TH, DAY OF AUGUST 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Gabriel MARTINEZ (1)
Remigio LOERA-Santos (2)

STATEMENT OF FACTS

This Statement of Facts is based on personal observation, investigation, and information provided to U. S. Immigration and Customs Enforcement Special Agent Dotson.

On August 11, 2008, at approximately 1220 hours, Gabriel MARTINEZ (MARTINEZ) and Remigio LOERA-Santos (LOPEZ) entered the United States at the Calexico, California, West Port of Entry. MARTINEZ was the driver of a 1990 Chevrolet pickup and was accompanied by LOERA.

In primary, MARTINEZ and LOERA gave negative customs declarations to Customs and Border Protection Officer (CBPO) O. Soto. CBPO Soto reported both MARTINEZ and LOERA stated they were going to Brawley, California. Primary checks indicated MARTINEZ had been arrested previously for smuggling marijuana into the United States. CBPO Soto referred MARTINEZ, LOERA and the vehicle to the secondary lot for closer examination.

In the vehicle secondary lot, CBPO R. Galaviz requested MARTINEZ to open the hood of said pickup. CBPO Galaviz reported that as the hood opened, he immediately discovered several (23) packages around the engine.

CBPO Galaviz probed one of the packages and a sample of green leafy substance was obtained. The sample field-tested positive for marijuana. The 23 packages had a combined net weight of approximately 55.26 kilograms (121.57 pounds).

MARTINEZ and LOERA were each placed under arrest and were separately advised of their rights per Miranda. MARTINEZ and LOERA acknowledged their rights, waived their rights, and agreed to answer questions.

MARTINEZ and LOERA stated they met a man earlier in the day at AAA Parking in Calexico that hired them to drive the pickup across the border for $40.00. Both stated that they intended to take the pickup to AAA Parking. MARTINEZ and LOERA denied knowledge of marijuana in the pickup. However, both told CBPO Soto, the primary officer, that they were going to Brawley not AAA Parking in Calexico. MARTINEZ stated he entered the United States at approximately 10:00 a.m. this morning (August 11, 2008) on his way to AAA Parking. However, there is no entry record for MARTINEZ on August 11, 2008, except for the entry of arrest.